



DATE: April 17, 1998

CASE NO.: 98-TLC-00009

In the Matter of

MERWINE FARMS AND NURSERY

ORDER DISCONTINUING THE CASE

On March 2, 1998, the Respondents Merwine Farms and Nursery filed with the U.S. Department of Labor, Employment and Training Administration, an application for temporary alien agricultural labor certification (ETA Case Number: 10238) for the period April 19, 1998 through December 20, 1998.

On March 30, 1998 the Regional Administrator denied the application on the ground that the Respondents were not compliance with 20 C.F.R. 655.105(a).

On April 2, 1998, Mindy L. Merwine, Esquire, filed an appeal requesting an expedited administrative judicial de novo review of the Regional Administrator's Decision.

On April 6, 1998, a certified exhibit list and record was filed with the Office of Administrative Law Judges.

On April 13, 1998, an expedited de novo hearing was scheduled for April 16, 1998 in Stroudsburg, Pennsylvania.

On April 16, 1998, a pre-trial conference was held with the parties. The parties agreed that an expedited temporary alien labor certification was necessary if American workers could not be found to work on Respondent's nursery. The parties also realized that the Respondent had attempted to comply with the requirements of the Act but were not in total compliance.

After discussion with the parties, they agreed that Respondents would discontinue the present action. That Respondents would list and summarize their efforts to recruit American workers. Publish in El Hispano, and more than 10 days after publication file a recruitment report. Thereafter, if necessary, Merwine Farms & Nursery would then ask for an expedited decision relative to their application for temporary alien labor certification for the period April 19, 1998 through December 20, 1998.

That the new application for expedited temporary alien labor certification would be given expedited review after the written demonstration of compliance.

The parties indicated that they would file a “Stipulation Discontinuing this Case” and this would be marked as Joint Exhibit I.

ORDER

It is ORDERED that the request of the parties to discontinue the case is GRANTED.

PAUL H. TEITLER
Administrative Law Judge

DATED: April 17, 1998
Camden, New Jersey